

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
FILE NO. 5:08-cv-00403-FL

SMD SOFTWARE, INC., a North Carolina corporation, and SITELINK SOFTWARE, LLC, a North Carolina limited liability company,

Plaintiffs,

v.

EMOVE, INC., a Nevada corporation, U-HAUL INTERNATIONAL, INC., a Nevada corporation, WEB TEAM ASSOCIATES, INC., a Nevada corporation, and A&M ASSOCIATES, INC., an Arizona corporation,

Defendants.

**DEFENDANT EMOVE’S MOTION FOR
PARTIAL SUMMARY JUDGMENT AND
THE NON-EMOVE DEFENDANTS’
MOTION FOR SUMMARY JUDGMENT**

NOW COME Defendant EMove, Inc. (“EMove”) and Defendants U-Haul International, Inc., Web Team Associates, Inc. and A&M Associates, Inc. (collectively the “Non-EMove Defendants”), pursuant to Rule 56 of the Federal Rules of Civil procedure and Local Rules 7.1 and 7.2, and hereby move the Court for partial summary judgment as to certain of the Plaintiffs’ claims as to all Defendants, including EMove, on the grounds that there are no genuine issues of material fact and the Defendants are entitled to partial summary judgment on those certain claims as a matter of law. Additionally, the Non-EMove Defendants hereby move the Court for full summary judgment on each of the Plaintiffs’ claims on the grounds that there are no genuine issues of material fact and the Non-EMove Defendants are entitled to full summary judgment as a matter of law.

In support of these Motions, the Defendants offer the pleadings and discovery of record, as well as the Memorandum of Law in Support of Defendant EMove’s Motion for Partial

Summary Judgment and the Non-EMove Defendants' Motion for Summary Judgment (with attachments), which more fully sets forth the relief requested by each Defendant.

This the 18th day of April, 2012.

YOUNG MOORE AND HENDERSON, P.A.

BY: /s/ Christopher A. Page
CHRISTOPHER A. PAGE
North Carolina State Bar No. 19600
E-mail: cap@youngmoorelaw.com
PATRICK M. AUL
North Carolina State Bar No. 39506
E-mail: pma@youngmoorelaw.com
Post Office Box 31627
Raleigh, North Carolina 27622
Telephone: (919) 782-6860
Facsimile: (919) 782-6753
Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he electronically filed the foregoing document with the Clerk of Court using the CM/ECF system and that he served the foregoing document upon the attorneys shown below by transmittal of a Notice of Electronic Filing:

This the 18th day of April, 2012.

YOUNG MOORE AND HENDERSON, P.A.

BY: /s/ Christopher A. Page
CHRISTOPHER A. PAGE
North Carolina State Bar No. 19600
Post Office Box 31627
Raleigh, North Carolina 27622
Telephone: (919) 782-6860
Facsimile: (919) 782-6753
E-mail: cap@youngmoorelaw.com
Attorneys for Defendants

Served on:

Luther D. Starling, Jr.
Daughtry, Woodard, Lawrence & Starling
Post Office Drawer 1960
Smithfield, North Carolina 27577
Attorneys for Plaintiff

920045.002/988201